

April 28, 2003

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The Honorable William M. Nickerson
United States District Court for the District of Maryland
Garmatz Federal Courthouse
101 W. Lombard Street
Baltimore, MD 21201

RE Beth Scott v. Life Insurance Company of North America
Case No.: WMN 03 CV 524
United States District Court for the District of Maryland

Dear Judge Nickerson

This letter serves as Plaintiff's, Beth Scott's status report, pursuant to this Court's April 14, 2003 Scheduling Order issued in the above referenced case.

It is the Plaintiff's position, due to the lack of discretionary language in the subject disability policy, governed by the Employee Retirement Income Security Act of 1974 ("ERISA"), that this matter is subject to a *de novo* review and thus will be afforded discovery accordingly. Should the Plaintiff be successful in her position, or should the Court allow discovery on some limited basis, she agrees with the Defendant that 15 hours for depositions of witnesses is appropriate.

The Plaintiff agrees with Defendant that a trial in this case would not involve a jury and take approximately 3 days.

Contrary to the Defendant, the Plaintiff feels that an early settlement/ADR conference would be appropriate and certainly productive before the resolution of dispositive motions. Although some discovery will likely be conducted, the legal and factual questions of this case depend on what transpired during the administrative process and thus in large part will be based on the administrative file, i.e. whether the Defendant wrongfully denied the Plaintiff disability benefits based on the information submitted to it during its administrative process. Thus, most legal and factual issues will be known upon initial disclosure of Defendant's administrative claim file for Ms. Scott, currently being requested by the Plaintiff.

The Plaintiff shares in the Defendant's position in not consenting to proceed before a United States Magistrate Judge.

Please contact me with any additional questions you may have

Respectfully,

Carrie J. Feit

cc Monte Fried, Esq. (via e-filing)
Howard J. Bernstein, Esq. (via U.S. Mail)